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ABSTRACT

This paper examines issues of equality, discrimination, affirmative action, and preferential treatment in Israel. An introduction provides a broad outline of topics addressed in the paper: the status of the Jewish sector, with treatment of Jewish immigrants to serve as an example of affirmative action; the policies of the state in relation to the Arab minority; policies in relation the relatively disadvantaged Oriental communities within the Jewish majority; and the possibility or desirability of enacting affirmative action policies to improve the status of women. The first main section discusses government policies and programs, which center on the major aims of the Zionist movement. The legal, social, and demographic background for these practices are outlined. The role of affirmative action in Israel today is then analyzed by focusing on the legal status, privileges, and economic situation of Jews (as a homogeneous group), Arabs, and Ashkenazi and Oriental Jews. The next section, a theoretical discussion, reviews specialized literature and press coverage concerning the affirmative action issue. Also included is an outline of special measures already taken to alleviate inequalities in these areas: education (with an emphasis on the role of the judiciary); admission to universities; the army; Project Renewal (an urban renewal program); large families; and the participation of Oriental Jews in government. Finally, it is concluded that the inherent differences between Israel and other countries are accountable for the low profile of affirmative action in Israel. (KH)

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AFFIRMATIVE ACTION IN ISRAEL

by

Natan Lerner

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AFFIRMATIVE ACTION IN ISRAEL

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Introduction

The State of Israel is a singular case in the history of nation-making. There are not many similarities between the dramatic, sometimes tragic, process that culminated, on May 14, 1948, in the creation of the sovereign State of Israel, on the one hand, and the many state-building developments that changed the political map of the world in the 19th and 20th centuries, on the other. Likewise, the radical transformation of society in the 34 years of existence of the State of Israel can hardly be compared with the evolution of any other organized nation in modern times.

Israel was conceived, born, and built as a polity committed to a purpose. That purpose, Zionism, aimed at changing the life conditions of the world-scattered community called the Jewish people, or the Jewish nation; it aspired to establish, on the territory on which two millennia ago a Jewish state existed, a modern, independent state, with a Jewish majority, and materialized that aspiration in only half a century of political and practical action; and it envisioned--and relatively achieved --the transformation of the demography and structure of the society existent in the country.

It is against this background that the subject of affirmative action in the State of Israel has to be discussed. The indicated commitment, the policies followed by the state and its agencies in order to serve it, and the factual situation that developed as a consequence of the political, social, cultural, and demographic changes that accompanied, and even preceded, the history of the State of Israel, make it necessary to deal with the subject on several different levels.

The State of Israel contains a multiethnic, multireligious and multicultural population, the majority of which shares the feeling of belonging to a single nation and having a common history, religion, and culture. In that population, however: (a) a large minority considers

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itself profoundly different--in terms of ethnicity, religion, culture, language, and national origin--from the majority, which acknowledges that difference, and (b) within the majority itself, at least two very large edot--ethnic groups, lato sensu--coexist, conscious of a common destiny but in a state of some tension engendered by cultural, social, and economic circumstances that developed, in one of these groups, the sentiment of being discriminated against or, at least, relegated in the distribution of resources and power.

To make the picture even more complex, the majority of the population of the state sees itself as physically threatened and condemned to live in a virtually permanent state of war or siege with its neighbors, almost all of whom do not accept its legitimacy. The ethnic, religious, and cultural ties between the minority within the state--the Arab minority--and those menacing neighbors, perturbate even more the majority-minority relation.

Thus, equality and discrimination, as well as affirmative action and preferential treatment, if applicable, are, in Israel, notions to be examined from a quadruple approach:

1. The status of the Jewish sector of the population, the main object of the preoccupation and care of the founders and builders of the nation, who pursued an outspoken and unmistakable policy intended to promote and facilitate Jewish immigration and its absorption. The positive treatment given to Jewish immigrants was pointed out as an example of affirmative action.

2. The policies of the state, or its majority, vis-à-vis its minorities, specifically the Arab minority, a complex and large group which the majority did not attempt to assimilate and which has never wanted to be desegregated or integrated, although it aspires, naturally, to enjoy equality.

3. The policies of the state as such, or of all or part of the public institutions, vis-à-vis the weaker or disadvantaged part within the Jewish majority, namely, the so-called Oriental communities--the immigrants from Asian and African countries, or their Israeli-born descendants. It is at this third level that a significant discussion

on the subject of affirmative action has been taking place in recent years.

4. As in any other modern society, the possibility or desirability of enacting measures implying affirmative action also has to be considered in conjunction with the status of women in Israel.

It is at these four levels that we shall explore the advocacy or enactment of measures of affirmative action. First, however, the character of the State of Israel, its policies and programs, its constitutional framework and legal orientation, as well as its social structure and demographic composition, will have to be briefly reviewed.

The Policies and Programs of the State

The creation of the State of Israel on May 14, 1948, was the result of the political and practical work of modern Zionism,[1] "the most fundamental revolution in Jewish life," a "quest for self-determination and liberation under the modern conditions of secularization and liberalism."[2] The first Zionist Congress, in 1897, adopted the Basel program, endorsing Theodor Herzl's political conception of Zionism, namely, "to create for the Jewish people a home in Palestine secured by public law."[3]

The World Zionist Organization, a voluntary worldwide movement, would become the main instrument for the implementation of such a program. The Balfour Declaration, issued by the British Foreign Minister in 1917, the Mandate on Palestine, established by the League of Nations in 1922, the Second World War, the holocaust of European Jewry and its aftermath--a tragedy and a trauma the understanding of which is vital to interpreting Zionism--the United Nations General Assembly Resolution 181(II) of November 29, 1947,[4] and the war that followed, are the outstanding stages in the process that culminated in the creation of the State of Israel.

The creation of an internationally recognized Jewish state was the central and basic aspiration of Zionism, but not the only one. The Zionist program, which Theodor Herzl outlined in his book The Jewish State (Der Judenstaat), also includes value elements and social and demographic components. All Zionists, irrespective of trends, want the State of Israel

to be a Jewish state, namely, a state in which the peculiar nature of Judaism, an inextricable combination of ethnicity, culture, and faith, comes into expression, in symbols--the flag, the anthem, the menorah--as well as in legislation, institutions, and immigration and absorption prerogatives.[5] All Zionists also want the Jewish state to be inhabited by an indisputed Jewish majority and to become the homeland of all Jews who aspire or need to come to Israel. The kibutz galuyot--the ingathering of the exiles, an aim no less than the creation of the state itself--and mizug galuyot--the fusion of the Diasporas, the integration of all Israeli Jews into one single, coherent nation--are the immediate corollaries of that program.

These major aims of the Zionist movement would become a central component in the policies of all Israeli governments, irrespective of the political parties that exercised or shared power in the various periods of Israeli statehood.[6]

Legal Background

The aims of the Zionist movement and of the State of Israel are expressed in the Declaration of Independence of the State of Israel, issued by the Provisional State Council in Tel Aviv on May 14, 1948.[7] This document is of particular importance in view of the fact that, to this very day, Israel, despite early attempts to draft one, has no written Constitution. Owing to the impossibility of reaching an agreement to that effect, the Knesset, the Israeli Parliament, gave up the idea of adopting a Constitution and decided to enact a series of "Basic Laws" intended to become the nucleus of a future fundamental law.[8] As a consequence of this situation, the Knesset enjoys supremacy in the country's legal system.

The Declaration of Independence does not constitute positive law. It has, however, a "special status . . . in . . . Israeli law regarding the question of the basic rights of the citizens . . . and was applied by the Courts as a guide for the interpretation of the laws of the State."[9] The Declaration proclaims, in unambiguous terms, the Jewish character of the state, whatever this means in legal terms.[10] The "Jewish State in

Eretz Israel," it says, will be "open for Jewish immigration and for the ingathering of the exiles." While the gates of the country are, of course, not closed to persons not belonging to the Jewish people, Jews enjoy a privilege, to be articulated later by the Law of Return and other Zionist-inspired legislation on matters concerning immigration and absorption, including automatic citizenship, a privilege not granted to others. The question arises as to whether this advantage is of a discriminatory nature against non-Jews or may be interpreted as an instance of affirmative action or of preferential treatment.

The same Declaration also summarizes, in a single paragraph, what could be described as the political philosophy of the state:

> The State of Israel will foster the development of the country for the benefit of all its inhabitants; it will be based on freedom, justice and peace as envisaged by the prophets of Israel; it will ensure complete equality of social and political rights to all its inhabitants irrespective of religion, race or sex; it will guarantee freedom of religion, conscience, language, education and culture; it will safeguard the Holy Places of all religions; and it will be faithful to the principles of the United Nations.

The relevance of this important paragraph to the treatment of minorities in the state, as well as to all matters concerning the equality of the various sectors of the population, is evident.

The State of Israel, "being a democracy, guarantees the equal rights of all its citizens without distinction as to sex, race or creed. It ensures the enjoyment and exercise, on an equal footing, of human rights and fundamental freedoms in the political, civil, economic, social and cultural fields in the spirit of the Universal Declaration of Human Rights, subject only to restrictions as to the maintenance of public order and morals."[11] While a Basic Law on the Bill of Rights has not yet been passed--and the existent draft has been criticized in legal and political circles--"the maintenance of the dignity of men is axiomatic in the life of the State and, as part thereof, Israel has striven towards the elimination of all distinctions, exclusions, restrictions and preferences founded on race, colour, national origin or sex, which have the purpose of nullifying the equal enjoyment of human rights and fundamental freedoms."[12]

Israel has ratified the United Nations Convention on the Elimination of All Forms of Racial Discrimination, and the Supreme Court of Israel has invoked "the fundamental doctrine of human rights as laid down by the Universal Declaration of Human Rights 1948 and the Covenants on Civil and Political rights, 1966"[13] (the latter two have not yet been ratified by Israel).

Equality before the law and prohibition of discrimination are principles embodied in several laws. So, for instance, Section 42 (i) of the Employment Service Law of 1959 prohibits discrimination "against a person on account of his age, sex, religion, ethnic group, country of origin, views or party affiliation, and a person requiring an employee shall not refuse to engage a person for work on account of any of these." Since 1951, there is a Women's Equal Rights Law, and an Equal Opportunity in Employment Law was adopted in 1981. In accordance with Section 9 of the Council for Higher Education Law, 1958, a rule has been enacted prohibiting discrimination with regard to the admission of pupils and the appointment of teachers on ground of race, sex, religion, national origin, or social status.[14] Moreover, the educational system aspires to an "overall socio-national integration of different ethnic communities" and is "designed to serve as a means of benefitting disadvantaged social groups and of upgrading the academic performance of low-achieving students drawn from the same underprivileged groups."[15]

Matters of equality and discrimination have come before the Israeli courts, in connection with religious and conscience freedoms, as well as educational matters. The Israeli Supreme Court, sitting as a High Court of Justice, has the power to deal with matters in which it seems necessary to grant relief in the interests of justice, and which are not within the jurisdiction of any court or tribunal. In this connection, it had been stated that "without the impetus of an equality provision in an enforceable written constitution, the Israeli courts have not shown the same enthusiasm for promoting equality as they have for liberty."[16] The Supreme Court has evidenced reluctance to recognize

locus standi to petitioners unable to prove a concrete interest, as well as to intervene in controversial matters of public interest that it considered should remain within the jurisdiction of the political branches of government.[17]

Shapira points out that the judicial handling of the concept of "equality under law has been merely sporadic, piecemeal, and at times surrounded by a misty penumbra of ambiguity. Not that Israeli judges tend to belittle the significance of the precept of equality. . . . One can conjure up many . . . juridical utterances in praise of the idea of equality under the law which, however, in their sum total fall far short of providing a coherent constitutional theory of equality."[18] This may be compensated by the fact that "the traditions of the Israeli government and society have always been directed towards reducing the social and economic gap between individuals and groups. . . . Unlike the American situation, the Israeli government policy directed at achieving equality has left no vacuum into which courts may have been drawn."[19] We shall refer later to the Supreme Court decisions concerning measures in the field of education.

Equality before the law and the existence of judicial remedies do not imply material equality in fact. In this respect, the situation in Israel must be examined against the background of its complicated demographic, social, and cultural reality, including its geopolitical situation. That background and situation are directly pertinent to the subject of the acceptance, or rejection, of principles of affirmative action in some of the areas of tension between different sectors of the population.

Social and Demographic Background

The total population of the State of Israel, as of September 1982, was estimated to be 4,038,000--3,354,000 Jews and 684,000 non-Jews.[20] For its breakdown, we shall use the figures at the end of 1980, based on the census of 1972: 3,921,700 inhabitants, of them 3,282,700 Jews, and 639,000 (16.3 percent) non-Jews.

The main groups in the non-Jewish population were: Muslims, 498,300; Christians, 89,000; Druze and others, 50,700.

Out of the total Jewish population, 1,835,300 (55.9 percent) were born in Israel, and 1,447,000 abroad. Those born in Israel are of the following descent (based on the father): Israel, 459,600 (14.0 percent); Asia, 434,900 (13.2 percent); Africa, 400,200 (12.2 percent), and Europe-America, 540,600 (24.6 percent).

Among the Jews born abroad, 303,400 (9.2 percent) came from Asia, 336,500 (10.3 percent) from Africa, and 807,600 (24.6 percent) from Europe-America.

As to the non-Jewish population, most of the Muslims and Christians are ethnically Arabs, although a significant Christian European community does live permanently in Israel. The Druze constitute a separate religious and community unit. The statistical registration of the population according to religion is a system that already existed under the Turkish and British administrations. It was kept by Israel despite criticism raised against it from different sources.

Immediately before the creation of the state, the area called Palestine contained about 650,000 Jews and 1,300,000 Arabs, 700,000 of whom were in that part of the country that became Israel, about 500,000 in the region occupied by Jordan, and 100,000 in the Gaza Strip. In 1948, when the state was established, the population registered in what had become Israel was 872,000, of whom 716,700 were Jews and 156,000 non-Jews. The majority of Arabs who left Israel became refugees in the Gaza Strip, Jordan, and Lebanon.

The large increase that would take place in the Jewish population was the result of natural causes and immigration. In the first decades of the state, there was an increase of 2,491,600 Jews--46 percent due to natural increase, and 54 percent the net immigration balance. As to the non-Jewish population, there was no significant immigration and the only instance of pronounced increase not based on natural causes was the addition of the East Jerusalem population after 1967. The growth

of the Arab population was the result of a high birthrate, a sharp decline in mortality, some immigration, and scarce emigration.[21]

The origins of the Jewish immigrants who settled in the State of Israel in the years of massive immigration would bring about a pronounced change in the cultural and social composition of the general population of the country, and thus are of much relevance to the subject of this paper. Zionism, essentially a European, postemancipation phenomenon, had been active almost exclusively among the so-called Ashkenazi (literally, "German") communities in Europe and America, as well as in the Balkans. In the Oriental (also called Sephardic--literally, "Spanish"--despite differences between subgroups) communities of the Middle East and North Africa, a traditional religious approach to Jewish life prevailed, and Zionism was not too popular. At the time of independence, the Yishuv --the Jewish community in Palestine--contained only a small, noninfluential minority of Jewish inhabitants of Oriental or Sephardic origin. The Ashkenazi majority and its leadership would determine the character of the state and its institutions.

Three decades later, as a consequence of the origins of the mass immigration, the composition of the Jewish population is quite different--more than 55 percent of all Jews were born in Israel and nearly half of the second generation are now of Asian-African origin, or Oriental Jews. Because of the age structure and differential reproduction rates, the proportion of Jewish inhabitants of Asian-African or Oriental origin will doubtless continue to grow, and Israeli-born children of Asian-African descent will soon be the largest ethnic component of Israel's population.[22] The Ashkenazi Jews, a majority within the Jewish people since the 19th century, are becoming a minority in Israel.[23]

While these lines are being written, the country is witnessing a renewed tension both at the level of the relations between Jews and Israeli Arabs and within the Jewish community. The first is mainly related to the general political problem in the area, but some of its aspects are of obvious relevance to the subject to be discussed in this

paper. It is the internal Jewish tension that is directly pertinent to the matter of affirmative action and related issues.

Affirmative Action and Today's Israeli Society

For the purposes of these pages, the policies vis-à-vis the population of the territories that came under Israeli administration after 1967 are irrelevant. The question of affirmative action can hardly arise, in practice, in conditions of military administration, irrespective of any solution that might be advanced concerning the future of these areas. Our subject is thus limited to: (a) the national policies serving the Zionist philosophy of all the Israeli governments; (b) the question of Arab-Jewish relations within the so-called Green Line, and (c) intra-Jewish relations, or relations between the Ashkenazi population of Israel and the increasing majority of Oriental Jews. The position of women in society should also be dealt with.

Privileges for Jews: Are They Affirmative Action? The principle that "every Jew has the right to come to this country as an oleh [immigrant]"[24] has inspired the Israeli legislation concerning nationality, as well as the privileges granted to immigrants who come to the country under the Law of Return. As a commentator on the Israel Nationality Law wrote: "Just as the notion of Israel as a Jewish State is inextricably bound up with the return of the Jews to the land of Israel, so Israel's nationality law, as a reflection of the prevailing ideology, cannot be comprehended until this concept of return has been grasped."[25] The World Zionist Organization-Jewish Agency (Status) Law 1952 proclaims (Section 1) the same norm: "The State of Israel regards itself as the creation of the entire Jewish people, and its gates are open in accordance with its laws to every Jew wishing to immigrate to it."[26]

The debate on the nature of the Law of Return and on the philosophical and legal question of "Who is a Jew?"--a debate that has accompanied the State of Israel from the very day of its inception and remains a nightmare for politicians responsible for the stability of Israeli government coalitions--is beyond the scope of this paper.

Abundant and authoritative literature is devoted to it, and the Supreme Court has dealt repeatedly with the matter.[27] What is relevant to our subject is, of course, the question of whether the Law of Return is a discriminatory law, or if it is an example of affirmative action in favor of the Jews who immigrate to Israel. Gouldman, pointing out that the Nationality Law, based on the Law of Return, is open to the charge that it discriminates, on ethnic grounds, in favor of Jews, explains this by the fact "that the Law cannot be divorced from its historic context. It is easier for a Jew to acquire Israeli nationality for the simple reason that Israel is primarily a State for the Jewish people."[28]

Former Jerusalem Law Faculty dean Claude Klein, on his part, considers that the Law of Return is a mesure preferentielle that cannot be considered discriminatory since it does not discriminate against any particular group. He considers the law consistent with the provisions of Article 1.3 of the United Nations Convention on the Elimination of All Forms of Racial Discrimination, and mentions similar measures enacted by the Federal Republic of Germany and the Soviet Union.[29] Former Justice Haim Cohn also denies that the Law of Return can be seen as involving improper discrimination. There is no illegal discrimination when the granting of rights is based on qualities existing in one case and absent in the other.[30]

This is the correct approach. Immigration and nationality laws are an area of legislation belonging to the exclusive domain of each national state. The privileges granted in Israel to Jews concerning immigration and nationality are obviously advantages, since they are not granted to non-Jews. They are not, however, illegal, since they do not impose restrictions on any particular group, race, or religion, and do not close the doors of the country to anybody. Non-Jewish prospective immigrants can be admitted, and obtain Israeli nationality by going through the procedures established by the law to that effect. There are, however, those who consider the Law of Return as "exclusionary" and reject the "legalistic" arguments that disregard the social contexts and consequences of the law.[31]

Accepting the view that the privileges granted to Jews by this legislation are not discriminatory, the question has still to be asked whether policies intended to foster the immigration of one given group fall under the definition of affirmative action. In the particular case of Israel, the wide spectrum of positive measures in favor of Jewish immigrants was considered indispensable to permit the absorption of the newcomers, many of whom were in conditions of great distress, such as the immigrants coming from the DP camps in Europe and the majority of the Orientals. All were exposed to the general cultural and social shock that every immigrant experiences.

The notion of the State of Israel as a Jewish state[32] found expression in some legislative measures of a symbolic or declaratory character, such as the laws on Nazi crimes, and the Martyrs' and Heroes' Commemoration Law. Other laws, also carrying an undisputed Jewish character, have concrete implications from the angle in which we are here interested, and contain provisions involving different treatment between Jews and non-Jews, some likely to fall under the heading of affirmative action or, in the view of others, under that of reverse discrimination. An example is a series of laws inspired by the Law of Return and related to the building process of the state, as already mentioned Laws on the World Zionist Organization and on Nationality, the 1953 Law on the Keren Kayemet Le-Israel,[33] and the 1956 Law on the Keren Hayesod.[34]

The different branches, subsidiaries, and dependent instruments of the Zionist Organization and of the Jewish Agency provide Jewish immigrants--and only Jewish immigrants[35]--with a diversified spectrum of benefits and advantages, including subsidies and loans to come to Israel, housing facilities and mortgages, help in order to obtain employment, temporary accommodation in absorption centers, Hebrew courses and maintenance while taking them, subsidies for school expenses and higher education, and subsidies concerning health insurance and other advantages. These are further complemented by privileges granted by the state relating to tax exemptions, currency facilities, and other benefits involving a preferential status for Jewish immigrants. Most

of these advantages are temporary. Tax exemptions, for instance, are granted for the first years in the country and are gradually reduced within that period. Foreign currency benefits are also for given periods.

All these privileges created social tensions and resentment, not only among the Arab minority, but also among Israeli-born or -raised Jews not enjoying similar preferential treatment. In the last decade, the particularly generous benefits granted to immigrants from the Soviet Union have been denounced by spokesmen of groups of African-Asian origin as a manifestation of Ashkenazi bias and protectionism. On the other hand, special social programs have been established by the Jewish Agency in favor of the "disadvantaged strata," "youth in distress," and youth from families "who immigrated from Asia and North Africa."[36]

The Arab Minority. The Arab minority in Israel is not a completely homogeneous group. For the purpose of these pages, however, it is adequate to deal with the Arab minority as a whole, although the differences between Arabs in general and the Druze or the Bedouins have to be kept in mind, and profound differences in the Israeli Arabs' self-perception and their attitude vis-à-vis the State do exist.[37]

The legal status of the Arabs in Israel has been described in clashing terms. According to Smooha,[38] Arabs are "a separate but unequal minority in Israel society," an involuntary nonassimilating minority with a "continued cultural distinctiveness and social separation" determined by numerous institutional arrangements such as the law of separate religious communities, the contiguous concentration of Arabs in a few major geocultural regions, separate localities and neighborhoods, separate schools and media, and the special Departments for Arab Affairs. Lustick considers that the Arabs in Israel enjoy the status of "separate but equal,"[39] and that the objective of the Israeli policies is to "control" the Arab minority, rather than to eliminate, integrate, absorb, or develop it. Stendel, a former deputy adviser on Arab affairs to the prime minister, claims that the principle of equal rights for the Arabs in Israel is well anchored in the general Zionist vision of the character of the Jewish

state, and "there can be no doubt about the equality of members of the minority group in the eyes of the law."[40]

It is generally accepted that the individual civil and political rights and the collective cultural rights of the Arabs in Israel are protected. Their right to a separate identity is preserved. They are, however, exempted, or excluded, from compulsory military service, with the benefits and shortcomings involved in this exemption. While this limitation avoids for the Arabs the risk of agonizing loyalty conflicts, it also shows the extent of suspicion that may be behind it.

The standard of living of the Israeli Arabs has risen appreciably; an important middle class and an elite have developed. On the other hand, with the increase of Palestinian nationalism, the Arabs in Israel have become more militant, and recent years have witnessed growing tension between Jews and Arabs, the origin of which is to be found both in the external political situation and the institutional and social limitations that are the consequence of the prevailing conditions.[41]

The Arab aspirations as a minority are not clearly defined. Obviously, part of them aspire to the status of a recognized national minority, able to play a role in national policy-making and to have a decisive say in decisions concerning their own affairs, while achieving total equality in matters of modernization and distribution of resources. Others, however, a minority, advocate greater social integration, although certainly not assimilation. At the other end of the political spectrum, there are those who reject what they call the "Zionist entity" and clearly advocate the liquidation of the State of Israel.

Arabs are not eligible for projects channeled through the Jewish Agency and other Zionist agencies, and are also prevented from receiving benefits reserved for former members of the armed forces. Several committees to consider ways of improving the condition of the Arab minority have been established by the ministries of the Interior, Education, and Culture, the Prime Minister's Office, and the Knesset. Policies regarding the Arabs have certainly become more liberal than in the past, and situations considered discriminatory have been alleviated.

The subject of affirmative action has seldom come into focus in the discussions on the Arab condition in the State of Israel. Complaints have been mainly against discriminatory situations, land expropriations, employment inequality, and inadequate control of the Arabs' cultural and educational life.[42] On a few occasions, however, affirmative action has been included among claims or proposals intended to improve the situation of the Israeli Arabs, and the Histadrut Department for Arab Affairs did recommend measures of affirmative action.[43] Recently, the chairman of the Moslem Committee in Jaffa (the Wakf) put forward a seven-point proposal to that effect, including, among measures in the field of housing, education, employment, and political life, a demand that "affirmative action be applied to Arab candidates for university studies, as is being done for Sephardi candidates."[44] As we shall see later, this particular request is being satisfied liberally in some cases.

In general, special programs of affirmative action for Arabs have not been undertaken, until now, although some schemes, in favor of "underachievers" or to counteract white-collar unemployment among Arabs, have been launched. As explained by an authoritative source: "Israel's policy towards its large Arab minority is based on the concepts of democracy, nationhood, and cultural autonomy; therefore, a complete separate network of education has been developed for the Arab population, and educational services are provided in separate schools, where Arab children are taught in their mother tongue by Arab teachers. The curriculum is the same as that of Jewish schools, but it is adapted to the needs of the Israeli-Arab community and based on its cultural heritage."[45]

As to higher education, an Association for the Development of Arab Education and Culture, based in Nazareth and supported by groups of friends abroad, recently applied to the Council for Higher Education for a permit to establish an Arab University. The request was denied on the ground that no additional university was needed in the country in the next years. The council took note, however, of the difficulties existent for Arab students in the transition from high school to the university and recommended a revision of the conditions of admission

of Arab students. The council also recommended that the number of Arab students in the preparatory preuniversity programs be increased considerably, and that the possibility of providing them with complementary studies in the universities and other institutions of higher education be studied.[46]

Ashkenazi and Oriental Jews. As already indicated, the ideology of mizug galuyot, the integration of the exiles, was an essential component of the Zionist enterprise and inspired many of the institutions developed in Mandatory Palestine and later in the State of Israel. The external threats against the existence of Israel also worked to strengthen the feeling of national unity. However, the ethnic, social, and cultural differences among the various immigration waves did not disappear, and tension originating in the grievances advanced by the Oriental sector against the Ashkenazim is today a factor that cannot be ignored.

It has been claimed that the absorption policies applied to the Oriental waves of immigration differed from the patterns followed relating to Ashkenazi immigrants, particularly in matters such as housing, concentration of immigrants in towns or neighborhoods, and employment. Accusations of favoritism and discrimination have been advanced. Whether this is true or not, there is no doubt that Oriental immigrants came handicapped by their lack of technical and professional skills, lower cultural background, deficient sectorial organization, and fewer migratory options than Western immigrants. This would, of course, have its influence on the structure of the new society, engendering tensions between the so-called "first Israel" and "second Israel" and, from time to time, real conflicts, especially when origin, traditions, language, and other variables overlap with seniority in the country, education, income, and place of residence.[47]

While at the primary-school level integration of Jewish ethnic groups in Israel is complete, a considerable gap remains at the secondary school and university levels. In regard to occupation, Jews of European origin are highly overrepresented in the most prestigious occupation categories, while people of Asian-African origin are overrepresented

among blue-collar and service workers, with a trend toward the closing of the gap in the administrative category. This, of course, results in a serious income gap. Despite pronounced improvement in the relative standard of living of families of Asian and African origin, they are still in a disadvantaged position compared with the overall average for Jewish families, thus being entitled to "a sense of underrepresentation in obtaining the rewards which the wider society has to offer." This "is undoubtedly a major source of tension,"[48] expressed already in resentment and violence. "Unless a very deliberate and systematic program, with explicit goals and interim evaluation, is adopted in order to counteract the structural trends," in the next decade there may be "even more cause for concern."[49]

The dominating ideological trends within the Zionist movement and the majority of the political parties in Israel have worked against Oriental-Ashkenazi separatism and division. However, there have been attempts to use ethnicity for political purposes, such as, recently, in the 1981 elections and in the verbal incidents following the trial of an Oriental member of the government accused of ordinary offenses. The integrationist ideal of "One people, one language, one culture" is constantly voiced, without major differences in this respect between Ashkenazis and Orientals, or right or left in the political spectrum. All the Israeli governments have proclaimed similar targets in this regard. Even the movements intended to give expression to the feeling of discrimination on the part of the Orientals, such as the organizational attempts that followed the Wadi-Salib riots in 1959, and the Black Panther group in the 1970s, were conducted under integrationist slogans. In the late 70s, however, new Oriental organizations, such as "Ohalim" ("Tents"), the Council of Jerusalem Neighborhoods, "Israel--That's Me," and to some extent, the political party Tradition Movement-Israel ("Tami"), adopted a different line, stressing a separatist Oriental attitude. Some Oriental spokesmen have even put forward the claim for a segregated Oriental economic development, based on an Oriental concentration of manpower and resources.[50]

In general, however, although what some authors call "subcultural" and folkloric variations have always been advocated, Oriental spokesmen have proclaimed support for ethnic integration, ethnic equality, and assimilation within the Jewish sector. The Sephardic and Oriental contributions are frequently stressed, or even overstressed, but there is no defense of separatism. The emphasis has been on rejection of discrimination, greater consideration for the needs of those allegedly discriminated against, compensatory programs, preferential treatment--in sum, measures to improve the condition of the disadvantaged. This brings us now to the debate on affirmative action.

Theoretical Discussion and Proposed Measures

The discussion on affirmative action in Israel is reminiscent of the controversy on the subject that took place, and is currently taking place, in the United States, Great Britain, or Canada. There are, of course, differences related to the distinctive Israeli reality, particularly concerning problems of absorption of the massive immigration that followed the creation of the state, and matters of security. While the existence of inequalities between the Jews and the Arab minority, on the one hand, and between Ashkenazi and Oriental Jews, on the other, has frequently been pointed out, voices calling for programs meriting the name of affirmative action have only recently been heard. In a very early symposium on ethnic problems in Israel, organized in 1951--a year when 175,000 immigrants, about 70 percent of them Oriental Jews, arrived--there was almost no reference at all to programs of affirmative action. Thirty years later (March 11, 1982), the Van Leer Foundation in Jerusalem organized a symposium on the same theme. Included among the speakers were some of the participants in the 1951 discussion. Only one of them now raised, timidly, the question of affirmative action.[51]

In 1959, the Public Inquiry Commission established to investigate the Wadi-Salib riots referred in its report to an "increasing tendency toward affirmative action for special and preferential treatment of Orientals."[52] The army, as we shall see, already began compensatory

programs two decades ago, and so did the universities. But, in general, a serious discussion and concrete proposals on affirmative action are n a rather recent phenomenon and not too generalized. Even while these pages are being written, at a long symposium on the increased polarization between ethnic groups, organized by a mass-circulation newspaper with the participation of a group of social scientists, mainly of Oriental origin, the subject of affirmative action was completely ignored and y the only reference to it was by some opposed to it.[53]

The Subject in the Specialized Literature. On the whole, Israeli social scientists have not argued the case for affirmative action. Eisenstadt, acknowledging, of course, that a significant portion of the poverty-stricken sectors belongs to the Oriental communities, takes the view that the problem of Oriental Jewry and that of poverty are f two separate questions.[54] Lissak, analyzing the patterns of protest among the Oriental immigrants, points out the existence of a movement that demands changes in the stratification structure, including "pressure to change the qualifications for senior appointments in the administration, education and in the centers of political power," and "increasing impatience to shorten the way to key positions." In the long run, he on believes, demands of this kind "will be completely unnecessary, since the quantity and quality of Oriental candidates for top positions in the name administration and in politics will constantly increase, even according to the most pessimistic prognoses."[55]

Iohanan Peres foresees an increase in the claim for equality of there opportunities, and advocates "far-reaching steps to promote equality irty among ethnic groups, even at the price of clashing (temporarily) with the principle of distributing positions on grounds of personal merit. Only the living example of many members of a given ethnic group reaching pres-w tigious and successful positions is likely to provide the groups of Asian and African origin with the feeling that progress can be achieved."[56] Peres notes, however, that the broad opposition to "discrimination in reverse" should not be ignored. In addition to the general arguments of a pragmatic nature against affirmative action, in the case of Israel he

finds that it would clash with the need to increase technological standards and preserve the competitive capacity of the state, in order to ensure its defensive capability. Therefore, it might be necessary to maintain selective criteria based on merit, regardless of origin, while developing at the same time compensatory action for members of the Oriental communities in the field of education. Such means would be preacademic courses in the army, the extended school day, broadened frameworks at an early age-level, and similar measures. All of these are examples of preferential support in the formation stages of members of disadvantaged sectors, and are steps already undertaken in Israel.

Smooha advocates the redistribution of resources and opportunities "in order to redress past and present inequities and to avert unrest." He accepts that "non-dominant groups use," among other means, "their identities as legitimate bases for group solidarity," but he does not ignore the shortcomings involved in an automatic approach to preferential treatment: "Ethnic quotas prevent free competition for power. By setting them too low, quotas become benign for the lucky few but work against the majority of Orientals. By confining them to visible, mostly non-executive, appointments, they become no more than token measures." The conspicuous nature of the quotas established in some institutions of higher education and the long-standing Oriental quotas in certain political posts have the consequence of "appeasing the Orientals, concealing the token effect of these measures and inculcating the Ashkenazim with a sense of self-righteousness."[57]

In general, as said, there is little specialized literature dealing with affirmative action in Israel. A very recent volume containing a selection of already published as well as original essays concerned with the themes of migration, ethnicity, and community in Israeli society[58] pays no attention to the subject, except indirectly when mentioning "the beginning of a gradual reformulation of the fundamental ideal of democratic participation," or when arguing that "ethnic equality can be approached only if the deprived progress faster and at the expense of the privileged."[59]

The Jerusalem Law School Discussion. A coherent debate on affirmative action in Israel took place in July 1980, at the Faculty of Law of the Hebrew University of Jerusalem, in the form of a symposium devoted to the memory of a student killed in war.[60] A group of jurists and social scientists, led by the president of the university and the dean of its School of Law, discussed the subject. A detailed proposal was submitted by Dr. Shimon Shetreet, advocating affirmative action in favor of defined groups, such as Oriental Jews, women, socially disadvantaged persons, and large families. The suggestion is to adopt legislation or, at a first stage, a mandatory public policy, based on special training programs for members of the affected groups and on preferential treatment for them, in matters concerning university enrollment, employment, appointments in the public service, and similar situations.

The prohibition of discrimination, now applicable only to governmental institutions, would be extended also to private bodies engaged in public services (education, public health, transportation), in all cases where there is a governmental or public involvement in their activities, such as funding or administration. Those bodies would be expected to undertake training and/or affirmative action programs. They would be under the obligation to collect data showing the relation between the distribution of jobs and positions and the composition of the respective population groups. The burden of proof that no candidates were available among the preferred groups would be on those in charge of the selection. An Authority to Ensure Equality would be in charge of implementing the program and drafting legislation at a later stage. It would have competence to receive complaints, issue certificates giving credit for keeping the relevant standards, or declare that a body is not qualified to contract with the state or receive its support.

The proclaimed aim of the proposal is equality in the result. Its philosophical underpinnings are the "serious mistakes" made in the planning and implementation of the absorption of immigrants from Islamic countries, as well as the wrong cultural approach that harmed the feeling of self-respect and the public image of a large component

of Jewish society in Israel. Equality in the result would provide moral compensation for past injuries. The proposal rejects the customary arguments concerning lack of identity between victims of past discrimination and those to be affected by the new programs. The psychological element, namely, the importance of the improvement in the public image of all members of the disadvantaged groups, is emphasized. A new distribution of power is likely to help those groups in general terms, in addition to the direct advantages for the immediate beneficiaries. While some social price will have to be paid for enacting programs such as the one proposed, that price will always be much more reasonable than the one to be paid by the perpetuation of the existent inequality.

The discussion during the Jerusalem symposium did not depart considerably from the familiar arguments for and against affirmative action raised elsewhere, except in some respects relating to the particular Israeli reality. Abraham Harman, president of the Hebrew University, pointed out that every immigrant is a disadvantaged person who has to learn a new language, adjust himself to a new climate and to a new social behavior, and is thus in need of special treatment, in fields such as occupation, housing, and language.[61] From an opposite angle, philosopher Yehuda Meltzer rejected most of the grounds on which affirmative action is based, except the argument of self-respect. He minimized the value of affirmative action as a remedy, and advocated more far-reaching measures, such as redistribution of wealth, taxation, and similar techniques. Law professor Steven Goldstein expressed doubts as to the adequacy and justice of affirmative action, which is likely to stigmatize those receiving its benefits, in addition to its other shortcomings.

Professor Eliezer Jaffe, a member of the prime minister's committee that studied the situation of disadvantaged youth in 1972, contributed statistical information contained in that committee's report: 64 percent of school beginners belonged to the Oriental community, but only 32 percent of first-year students in high school were Orientals; at the university level, 12 percent of first-year students were Orientals

or their descendants, but only 4 percent of graduates belonged to that group, and only 2 percent of all recipients of doctoral degrees were of Oriental origin. Against such a background, Professor Jaffe argued the case in favor of affirmative action in the education system. He praised the experience of the Jerusalem University School of Social Work, to which we refer elsewhere.

An economist, Professor Yoram Ben-Porat, stated that, in Israel, affirmative action was not relevant to matters of employment, particularly since the differences in remuneration are small, oscillating between 6 and 14 percent of the income in each profession.[62] He opposed positive discrimination in matters of admission to the university, seeing in it a danger for the more qualified among the disadvantaged groups, but strongly supported remedial preuniversity training, such as that provided by the Saltiel Centre referred to later.

A strong case for affirmative action based on pragmatic considerations was finally made by Professor Reuven Yaron, who closed the discussion. Affirmative action is needed, in his view, whenever, as in Israel, there is an explosive situation caused by the overlapping of inequality and ethnic origin.

The Discussion in the Press. The Israeli press deals frequently with intergroup relations. The application of measures of affirmative action was, however, rarely advocated. Recently, in September and October 1981, the subject was discussed in the columns of the prestigious Haaretz, starting with a series of articles by Akiva Eldar under the general heading "Ethnic Discrimination--Image and Reality." The author expressed misgivings concerning the possibility of launching programs of affirmative action in Israel, foreseeing a danger of legal actions on the part of relegated Ashkenazis.[63] He described the particular situation of the different ethnic groups, taking the view that tension is rather confined to the Moroccan subgroup. The absorption and integration of other communities such as Yemenites, Bulgarians, Iraqis, Tunisians, and Algerians has been a considerable success, compared to the Moroccans.[64]

One of the articles, containing an interview with Professor Moshe Lissak, discussed the impact and the use of ethnic tensions in the internal political life of the country, particularly in the last elections, in the summer of 1981. Lissak also compared the trauma experienced by the Oriental immigrants with that, an even sharper one, suffered by the German Jews who came to Israel after Hitler.[65] The attempt to rewrite history, so as to add special emphasis, even quantitatively, to the role of the Oriental communities, was ridiculed by Eldar, who urged the avoidance of stereotypes and ethnic partisanship and an increase of mutual tolerance. At the same time, however, he acknowledged the existence of a feeling of "group injury" among Oriental Jews, even those successful in life.[66]

David Zucker, in a comprehensive article,[67] argued the case for affirmative action, taking issue with Eldar's approach. He denied that intentional discrimination takes place. Israeli society does not put obstacles in the way to success of any person with talent or capacity. The problem is related to the fact that the so-called teunei tipuah ("disadvantaged," "requiring fostering") belong to the Oriental communities, and that only 8 percent of descendants of African and Asian immigrants obtain their bagrut (high school matriculation) certificate, as opposed to 40 percent among the descendants of European and American immigrants. He did not accept the argument that the problem is essentially only of the Moroccans.

A formal equality of opportunities, continued Zucker, is not enough, as the then minister of education Zalman Aranne claimed two decades ago, when he coined the term "State protectionism." In order to close the social gap, "real equality," or "equality in the result," should become the alternative to "equality of opportunities." In Israel, the aim of affirmative action should be to put an end to "the correlation between Oriental origin and heavy representation in the lower echelons of income, low representation in prestigious schools and high representation among disadvantaged sectors and urban area of low status."[68]

There is no reason at all, he added, to claim that an administrative preferential treatment would lower the quality of Israeli society and its way of life. In any case, Israeli society should confront the dilemma between higher standards now, or social solidarity. A dynamic social policy is necessary, in addition to what time and mixed marriages can do. Moreover, time can also work against the interests of society.

The press debate on affirmative action prompted a number of readers to react with sharp letters to the editor, criticizing the proposed program as being "destructive" and its supporters as being politically motivated.[69]

Official Initiatives. Parliamentary action. In 1982, the Knesset established a joint subcommittee of the Committees on Labor and Welfare and Education and Culture in order to study the feelings of alienation among the ethnic communities in Israel. The subcommittee held a number of meetings with the participation of recognized experts in the field of ethnic relations. The whole spectrum of intergroup relations within the Jewish population[70] was reviewed, and some consideration was also given to the subject of affirmative action. Mrs. Shoshana Arbeli-Almoslino M.K. raised the possibility of adopting programs of preferential treatment to correct inequality giving priority to Oriental candidates, if properly qualified. Sociologist Rivka Bar-Yosef referred to the success of the university programs of affirmative action that facilitate the advancement of qualified students on a basis of equality, without implying that a student has been admitted only because he or she belongs to a certain group.[71]

The status of women. The profound social and cultural differences prevailing in such a diversified population as that of Israel, as well as legal problems built into the family law system adopted by the state, are the background against which the subject of affirmative action in connection with the status of women has to be considered. In 1975, the prime minister appointed a Committee on the Status of Women, chaired by Ora Namir M.K., which produced a report, published in 1978, and submitted a wide range of proposals contemplating the needs of women, Jewish or not,

in all sectors of life.[72] It included suggestions for the advancement of women. One recommendation was to secure for women 25 percent of "safe" places in the candidates' lists for the Knesset.

Presently, there is an Office of Advisor to the Prime Minister on the status of women. Its head, Dr. Nitza Shapiro-Libai, who chairs an Inter-Ministerial Committee on the Status of Women, dealt explicitly with the matter of affirmative action, adopting the view that "international instruments are all in favor of affirmative action to correct accumulated injustices and accelerate women's integration into all spheres of activities."[73] The Inter-Ministerial Committee, at which the Ministries of Interior, Foreign Affairs, Labor and Welfare, Health, Commerce and Industry, Justice, and Education and Culture are represented, decided in 1980 to urge all governmental departments "to act in favor of equality of opportunities for women in the governmental service and to bring about a better balance in the distribution of jobs between women and men in the service of the State." To that effect, governmental offices should adopt a program including giving "preference to the sex less represented" in certain jobs "during the stage of selection of candidates."

In 1981, Dr. Shapiro-Libai submitted to the Committee on Labor and Welfare of the Knesset a proposal amending the draft Equal Opportunities in Employment Law, suggesting that the law should permit, although not make mandatory, "the adoption of special temporary measures (called in the United States and in England 'affirmative action') in order to achieve more balance in the employment of women." The text read: "Temporary preference granted to one of the sexes in the admission to employment, election for, or admission to, professional training or professional advancement courses, when its purpose is to achieve a better balance in the professional distribution and in the functional level of women and men, will not be considered illegal." The proposed article was not incorporated into the law, adopted in 1981 and in effect since January 1982.

Measures in the field of education. The judiciary's role. Education is seen in Israel as a central factor in the achievement of national

goals. The narrowing of the socioeconomic gap and the advancement of Oriental Jews has therefore been considered one of the essential tasks of education since the early days of the state. The Compulsory Education Law of 1949, the 1953 State Education Law, and the "Reform" introduced in 1968 contemplated particularly the needs of the teunei tipuah, with the clear understanding that the immense majority of them were of African and Asian origin. Preschool programs, adult education, psychological and guidance services, special curricula, smaller classes, extra teaching hours, and a longer day, mainly in underprivileged neighborhoods, were intended "to compensate poor youth for deficiencies assumed by the authorities to be inherent in the home and community."[74]

Among the devices conceived at an early stage were graded tuition fees, avoiding leaving back elementary school pupils, facilitating graduation from elementary school to everyone, regardless of performance, and allowing pupils of Afro-Asian origin to be admitted to high school with lower scores. In the 60s, different "fostering" projects, such as the "grouping" system to permit advancement according to individual ability, were enacted, and in 1963, the Center for Disadvantaged Educational Institutions was established. The most ambitious plan was probably the 1968 "Reform," which divided secondary education into two stages, with the intention to better serve the needs of the disadvantaged sectors. To that effect, the selective achievement test governing the transfer from elementary to junior high school was eliminated. The junior high school was supposed to become a period of observation and follow-up. In recent years, secondary education became free at all stages.

The extent to which all these efforts have contributed to closing the gap between Ashkenazi and Oriental youth is the subject of controversy. What an authority called a "positive discrimination policy"[75] seems not to have been enough to eliminate the gap in performance levels between the two major groups. "To the present, the percentage of adolescents entering the academic tier of the educational system . . . remains heavily biased in favour of the Ashkenazi segment of the population. At the other end of the status ladder, Oriental youth are over-represented

in vocation programmes and among early school leavers. In training adolescents to fill various positions in the Israeli economy, it would seem that the educational system has assumed an auxiliary function as gate keeper, funneling middle-class Ashkenazi youth towards middle level and elite positions while certifying working-class Oriental youth to join their fathers in blue-collar trades."[76] According to the authors we are quoting, manipulation of the educational system in order to foster a redistribution of resources in society is an ill-conceived enterprise, since the socioeconomic gap remains essentially an economic and political problem. The school fails to close the gap and does not compensate for the disadvantages that many pupils bring from their homes.[77]

Nevertheless, the Ministry of Education continues to adopt separate budgets in order to "advance the weaker sectors of the population," with a view to "a) limiting the educational gap between communities and weak sectors of society, through activities for the advancement of teunei tipuah with an achievement potential; b) enlarging the proportion of members of the Oriental edot and members of weak social sectors among the matriculation recipients; c) developing ways of advancement which should permit teunei tipuah students with an achievement potential to make gradual progress from the early stages in high school to the end of matriculation tests." Family size, housing density, educational levels, and similar criteria determine where to apply these programs.[78]

An interesting and successful program based on tutoring of teunei tipuah by university students, known under the name of Perah, was established jointly by the Ministry of Education, the Jewish Agency, the Students Organization, and all the universities. It serves Arabs (about 100 among 900 beneficiaries) as well as Jews, and the notion of teunei tipuah is based on the Ministry of Education criteria.[79]

It is in the field of education that we can also find some indications of the Israeli judicial approach to problems of equality and the social gap. We have already pointed out that the role of the Israeli courts in these matters has been limited, mainly because of the system of parliamentary supremacy prevailing in the country, as well as

the absence of an equality provision in an enforceable written constitution.[80] One of the areas in which the Israeli courts have had opportunities to express themselves is on matters of parental choice regarding residence or geographic qualifications for schooling. In a well-known case, Kramer v. the Municipality of Jerusalem,[81] a group of parents filed a petition in the Supreme Court sitting as a High Court of Justice to have declared invalid the policy of enforcing the 1968 reform, which would imply for their children the need to change schools. The three justices who heard the case rejected the petition, acknowledging the weight of society's interest in a reform expected to produce social integration, as opposed to the rights of the parents.

Justice Etzioni, who was chairman of the committee that investigated the Wadi-Salib riots, justified the special benefits granted by the Ministry of Education to disadvantaged students and the measures intended to enlarge the number of such students in higher institutions. Quoting conclusions of the mentioned committee enumerating the objective factors, not related to personal conditions, that prevent the weaker groups from enjoying equality of educational opportunities, he pointed out that society is entitled to limit basic rights of the citizens for security or for social reasons, as part of "a policy aimed at raising the scholarly and educational level, and at deepening and accelerating the process of social integration of those belonging to different ethnic and social groups."

The Court's approach in Kramer was not an isolated instance. The Supreme Court confirmed it in several more recent cases, also related to the question of society's right to restrict parental freedom of choice.[82] If this orientation is to prevail, one might conclude that it could be made extensive also to cases of affirmative action, if brought before the courts. The obvious question is how far would the Israeli judiciary be inclined to go in their societal approach if programs of affirmative action would affect individual interests. In the present circumstances, when adopted measures are limited and do not clash with such interests, it seems premature to deal with hypothetical situations.

Admission to universities. Israeli universities have developed special preacademic courses for students identified as teunei tipuah or coming from so-called "underprivileged areas" (ezorei metzuka). In general, these programs deserve to be described as affirmative action, avoiding at the same time the controversial issues involved in the establishment of "quotas" and the introduction of elements implying for future graduates the stigma of beneficiaries of differential treatment.

In 1963, the Hebrew University of Jerusalem created the Joseph Saltiel Centre for Pre-Academic Studies[83] with the purpose of enlarging the proportion of members of the Oriental communities and of families in "distress," mainly of Asian and North African origin, in the higher education institutions. In view of the initial success, the scope of the program was widened in 1969 to include demobilized soldiers, members of the non-Jewish minorities, and new immigrants. The criteria for admission are based on the students' economic and social background, their matriculation scores, entry examinations, and a personal interview. The economic and social background is determined by elements such as size of the family, income per capita, education of the parents, area of residence, schools attended, country of origin (also of the parents), and housing conditions. The center provides tutoring and controls the students' performances. After completing the program at the center, students apply for admission to regular studies solely on their merits.

Since 1978, the School of Social Work of the Hebrew University has undertaken a successful scheme. It reserves 20 places, among 120, for "opportunity needed" students. Such students score below the required marks but are considered eligible if they are adequately motivated and respond to the Ministry of Education's definition of teunei tipuah. Up to now, the three-year project has involved 70 students, 20 of them Arabs (the general figure of Arab students in the School of Social Work is about 8 percent). Tutors, maintenance subsidies, and scholarships for the selected students are provided by interested factors. While there are no final results as yet, the provisional conclusions are highly satisfactory: there is virtually no difference in the performance

of the selected and tutored students as compared with the regular ones, and the gap between both groups has declined steadily after each stage of the program.[84]

Tel Aviv University--which a few years ago abolished a system that secured a given number of places for Arab students, after it was felt that it was not needed anymore--has established a preparatory program for students from "underprivileged areas."[85] The determination of such "underprivileged areas" is based on socioeconomic considerations that clearly overlap membership in the Oriental sector of the Jewish population. The program is open for Jewish as well as Arab students. The students undergo a psychometric test and are admitted provided that, despite their insufficient marks, they show reasonable possibilities of success. Experience proves that 80 percent of those passing the preparatory program successfully have the same chance of success at the university as students entering normally.

It is expected that in 1982, up to 300 students will have passed through this program. No difference at all is regarded as existent between those completing the program and those admitted to the university on the basis of a normal bagrut certificate. The schools or departments considered more selective or difficult (e.g., engineering, law, medicine) are expected to admit "underprivileged areas" students who are below the minimum standard but close to it, the respective numbers to be decided by the Admissions Committee of each school or department. The respective departments will follow the achievements of each of these students in their first year of studies. In order to compensate the alleged disadvantages of students from "underprivileged areas" with regard to the contents of the psychometric test,[86] special guidance will be given in advance.

Haifa University established a Unit to Bridge the Gaps, supported by the World Sephardic Federation and the Department for Sephardic Communities of the Jewish Agency. Its aim is to close the social gaps by stimulating higher education for residents of the so-called development towns and distressed neighborhoods in the major cities. The activities of the

unit include participation in a program initiated in 1974 for the advancement of local leadership through university education.[87] Among the projects of the unit, several relate to the study and promotion of the cultural tradition of the Oriental communities.

The army programs. From its very inception, the Israeli Defence Forces (IDF) worked for the integration of all parts of the population. A faithful reflection of the majority of society (as explained, most Arabs do not serve in the army), the IDF enjoys the advantages of its general prestige, and its role in the life of the country goes far beyond its purely military aim. During the long period of military service--three years for men and two for women--in addition to yearly reserve duty, the Army has, and uses, the possibility of molding the character of a soldier in many ways. In the field of education, the Army organizes courses in Hebrew, compulsory courses to complete elementary education, and optional secondary education.[88]

An important program, particularly relevant to our subject, is the Center for the Advancement of Special Populations (Makam, in the Hebrew acronym). In the past seven years, this center has developed a number of forced-pace remedial programs in favor of draftees with less than a complete elementary education or with other problems, including a criminal past. The program implies a "painstaking approach to every individual soldier, through extended basic training, vocational training and initial supervision in the unit to which he is eventually posted."[89] It includes home visits, search for candidates at the induction center, use of special soldier-teachers, permanent follow-up and cooperation with the Ministry of Labor and specialized educational institutions, with a view to providing the soldier with a concrete trade. At least on the vocation and motivation levels, the Makam program seems to have achieved considerable success.

General Raphael Eytan, chief of staff of the IDF, defined the aim of this program as "the maximum advancement of each soldier belonging to the weaker populations, with due consideration to the needs of the Army and to the needs of society as a whole."[90] The term "weaker

populations" is interpreted by Roumani as corresponding in its immense majority to Orientals.[91]

Another relevant program developed by the IDF is the university-preparatory course designed primarily "for Orientals with matriculation certificates who have not obtained the minimum grade required for the competitive university examinations." Oriental youths are accepted for the IDF's premilitary vocational training schools even if they have not completed the general requirements.[92]

While undoubtedly the IDF upgrades the Oriental sector, Roumani considers that it does so by only one level, and therefore does not bridge the gap.[93] The army "contributes more to the Oriental's over-representation in the 'construction, industry and trade' category than to his entrance into the 'liberal professions, bureaucracy and business.'" The university-preparatory program does prepare Orientals for the competitive entrance examinations and increases their chances of graduating. Roumani concludes that in order to permit a greater number of Orientals to compete with Ashkenazis as equals, "discrimination in favor of Orientals is essential not only to arrest the gap but also to accelerate the pace of national integration."[94]

Project Renewal. Project Renewal, announced by the prime minister of Israel in 1977, was conceived as a program intended to improve the situation of 69 "distressed" neighborhoods in Israel, with the close participation of Jewish communal institutions all over the world. The project,[95] jointly managed by the government and the Jewish Agency, with the cooperation of local residents and communities, includes a diverse range of activities, special training and education of residents of the involved neighborhoods, vocational training for youth, after-school activities, self-help programs, day-care centers, health services, employment, housing, cooperation with the Unit to Bridge the Gaps of Haifa University, etc.

The relevance of this ambitious program to the problem of the social gap within Israel, and to the different initiatives that might fall under the heading of affirmative action, cannot be denied. On the other hand,

it is still too early to judge the results of Project Renewal, the object of an ongoing controversy in the Israeli media.

Large families. The overlap between ethnic background and size of family has been frequently pointed out by observers of Israeli society. Measures in favor of large families have been advocated and enacted. There is a proposal for a Large Families Law aimed at "anchoring in law, under one statutory roof, all the benefits and rights of large families in the areas of housing, income-maintenance, education, leisure-time, and use of public utilities."[96]

De Facto Preference in Politics. A description of measures undertaken in order to improve the position of Oriental Jews in different areas would be incomplete without a reference to the situation prevailing in the political parties, an almost exclusive source of power in Israeli public life. There is no room, in this respect, to speak about a coherent or formally agreed policy. Most parties, particularly in the light of the experiences of 1977 and 1981, have shown great sensitivity regarding the claims of discrimination on the part of Oriental Jews. Both major parties, for instance, advanced to the second spot on their lists candidates belonging to the Oriental sector. It is accepted that, for years, a more or less stable proportion of places in the lists of candidates--about 30 percent--has been reserved for Orientals, implying a sort of informal quota.[97]

One of the arguments in favor of changing the electoral system in Israel is that the adoption of regional representation would increase the share of qualified Oriental spokesmen and would widen the involvement of the Oriental communities in political life.[98] In any case, readiness to give adequate expression to the ethnic element in the electoral efforts of all groups is an important factor in Israel today. Concerning the Arab sector, the situation is different due to reasons pointed out before.

Relevant to this subject are the resolutions adopted by the Committees on Education and Social Equality of the Labor Party, at the 1981 National Convention, favoring the enactment of programs of affirmative action.

Conclusions

The State of Israel is entering its 35th year of life. It is a state whose existence is threatened from the outside by those who do not recognize the legitimacy of its raison d'etre, namely, the fulfillment of the Zionist program through the establishment of a Jewish state. This program involves (1) a promotional state policy in favor of Jewish immigration and advantages for those immigrants; (2) a particular and delicate situation for the nonassimilable Arab minority within Israel.

The Jewish majority, while strongly united by historical, religious, and cultural elements, as well as by the external dangers, is confronting internal tensions, engendered by a profound change that took place in its demographic structure in the years that followed the creation of the state. A major element in that tension is the feeling existent among the Oriental sector of the population that it has been the victim of injustice in the process of absorption and integration and is therefore entitled to compensatory measures. While the conviction of being one nation and the desire for integration are virtually common to all Israeli Jews, members of the Oriental community are demanding special treatment to gain material equality, and steps intended to strengthen its differentiation and its self-assertion.

Against this background, a discussion on affirmative action is now taking place. It is mainly related to the area of Ashkenazi-Oriental tensions and only in a limited way to the Arab minority. Although the subject was mentioned as early as the 50s, it is only in the last years that the debate has become significant, involving universities, the specialized literature and the press, and, to a lesser extent, the parliament and governmental agencies.

Those justifying programs of affirmative action invoke, in essence, the same arguments used in other parts of the world, and so do those opposed to them. Differences characterizing the particular Israeli situation have been stressed, however, by advocates of both views. Orientals are certainly not a minority in Israel; Arabs are not a minority whose

situation can be compared, for instance, to that of the Hispanics or blacks in the United States. Security is an element of utmost importance in Israel, nonexistent elsewhere. Immigration plays a role in Israel not comparable to other countries. Hence, the singularity of the Israeli experience.

It is in the framework of that experience that some measures have been proposed, and some steps taken. Unlike in the United States, the matter has been kept at a low profile in Israel. It certainly has not achieved a public impact similar to that of the well-known judicial decisions in the United States. A major area where policies of affirmative action were enacted was, according to some views, the special benefits for Jewish immigrants, in accordance with the aims that brought into existence the State of Israel. Except indirectly, the subject has almost not been related to the field of employment. In questions of education, a diversified range of compensatory measures in favor of teunei tipuah, "disadvantaged" students coming from ezorei metzuka, "underprivileged areas," has been adopted. A policy of affirmative action is being applied in the universities, for Jews and Arabs, but "quotas" have not been established. There have been concrete proposals concerning the status of women. The Army is implementing a program in favor of the weaker sectors, which overlap the Oriental population.

Intergroup tensions are a serious problem in Israel. But in view of the developments, in the Arab sector as well as in relation to the Jewish population of Oriental origin, one is inclined not to overstate the role of measures of affirmative action as a major component in future policies. Such measures can, however, be one possible way of solving difficulties and, certainly, become constructive steps toward the amelioration of the situation of sectors in distress and an important psychological factor in the promotion of feelings of self-respect and dignity among those considering themselves, rightly or wrongly, the victims of injustice or discrimination.

NOTES

1. The term "Zionism" originated in the word "Zion," which became a synonym for Jerusalem, expressing the "yearning of the Jewish people for its homeland," Eretz Israel or Palestine. Since the 1890s, it is used as denoting the purpose of modern political Zionism. Cf. Encyclopaedia Judaica, vol. 16, Jerusalem, Keter Publishing House Ltd., 1973, p. 1032 and fol. For a history of the Zionist movement see, i.a., Walter Lacqueur, A History of Zionism, London, Weidenfeld and Nicolson, 1972.

2. Shlomo Avineri, "Zionism as a National Liberation Movement," The Jerusalem Quarterly, 10, Winter 1979, pp. 143-44.

3. For its text, The Arab-Israeli Conflict, ed. John Norton Moore, vol. III, Princeton, Princeton University Press, 1974, p. 3.

4. For all the mentioned texts, op. cit., pp. 31-32, 74-83, and 313-38, respectively.

5. See Ernest Stock, "Israel--A Jewish Polity with a Multi-Ethnic Population," Patterns of Prejudice, London, vol. 15, no. 4, 1981, pp. 34-41. For this author, more than intrinsic Jewishness, what exists in Israel is a "more or less palpable Jewish influence" in institutions expressing sovereignty, such as the courts, the Army, or the educational system.

6. Compare, in this respect, the Basic Principles of the present Israeli government with those of the last Labor-led coalition, Israel Government Yearbooks, Jerusalem, Center of Information, 1980/81 and 1976, respectively.

7. For its text in English, Facts about Israel, Ministry of Information, Jerusalem, 1975, pp. 42-43.

8. For the constitutional debate, the legal value of the Declaration and, in general, Israel's constitutional system, see, i. a., Amnon Rubinstein, Hamishpat Hakonstitutzioni shel Medinat Israel (The Constitutional Law of the State of Israel), 2nd edition, Tel Aviv, Schocken Publishing House Ltd., 1974, particularly pp. 16-30.

9. Report submitted by the government of Israel, on March 3, 1981, to the Committee on the Elimination of Racial Discrimination (CERD), UN document CERD/C/61/Add.1/Rev.1, p. 3. Cfr., i.a., Ziv. v. Gubernik (1948), 1 Piskei Din (P.D.--Reports of the Israeli Supreme Court) 85, 89; Kol Ha'am Co. Ltd. v. Minister of the Interior (1953), 7.P.D., 871.

10. Cfr. Claude Klein, Le Caractere Juif de l'Etat d'Israel, Paris, Cujas, 1977, p. 14.

11. See report mentioned in note 9, pp. 3-4.

12. Ibid., p. 5.

13. Cfr. American European Beth-El Mission v. Minister of Social Welfare (1967), 21 (ii) P.D., 325-33.

14. Report mentioned in note 9, p. 36.

15. Amos Shapira, "Educational Liberty and Equality," in Law and Equality in Education, ed. Stephen Goldstein, Jerusalem, The Van Leer Jerusalem Foundation, 1980, p. 149. This volume contains adaptations of papers presented at a three-day workshop on education, equality, and the law held in Jerusalem in 1977, focusing on problems of students from disadvantaged backgrounds and on ethnic-origin group integration within the Jewish sector of the school population.

16. Stephen Goldstein, "Judicial Intervention in Education Decision Making," op. cit., p. 100.

17. Cfr. Supreme Court judgment 448/81, Ressler v. Ministry of Defense. See also Zeev Segal, "The Right to Be Heard by the High Court of Justice," Haaretz, Tel Aviv, April 12, 1982.

18. Shapira, loc. cit., pp. 153-54.

19. Goldstein, loc. cit.

20. Cfr. Yedioth Aharonot, Tel Aviv, September 20, 1982. For the breakdown of the statistical information, Statistical Abstract of Israel 1981, Central Bureau of Statistics, Jerusalem, 1981. See also Central Bureau of Statistics, Society in Israel, 1980, Statistical Highlights, Jerusalem, 1980. All the figures as of 1969 include the population of East Jerusalem.

21. Cfr. Jacob M. Landau, The Arabs in Israel, London, Oxford University Press, 1969, pp. 3-4.

22. Cfr. Judith Bernstein and Aaron Antonovsky, "The Integration of Ethnic Groups in Israel," Jewish Journal of Sociology, London, vol. XXIII, no. 1, June 1981, p. 9.

23. On the ethnic structure of Israel, Iohanan Peres, Iahasei Edot b'Israel (Ethnic Relations in Israel), Tel Aviv, Sifriat Poalim, 1976, especially pp. 42-76.

24. Section 1 of the Law of Return. For its text, as amended, Laws of the State of Israel (L.S.I.), Jerusalem, the Government Printer, vol. 4, p. 114, vol. 8, p. 144, and vol. 24, p. 28. The authorized English text uses the term oleh. As indicated by the translators, "aliya means

immigration of Jews, and oleh (plural: olim) means a Jew immigrating into Israel." Literally, aliya means "ascension," stressing the centrality that Zionist ideology attaches to Jewish immigration to Israel.

25. M. D. Gouldman, Israel Nationality Law, Jerusalem, the Hebrew University of Jerusalem, Faculty of Law, Institute for Legislative Research and Comparative Law, 1970, p. 9. For the Law on Nationality and its amendments, L.S.I., vol. 6, p. 50, vol. 12, p. 84, and vol. 22, p. 241.

26. For this law and its amendment, L.S.I., vol. 7, p. 3, and vol. 30, p. 43.

27. See, i.a., Amnon Rubinstein, op. cit., and his article "Israel Nationality," Tel Aviv University Studies in Law, 2, 1976; Gouldman, op. cit.; Klein, op. cit.; Haim H. Cohn, "Hok Hashvut" ("The Law of Return"), Gesher, Jerusalem, 72-73, 1972, pp. 96-117. B. Akzin, "Who Is a Jew: A Hard Case," Israel Law Review, Jerusalem, 5,2, 1970, pp. 259-63, and many others. Also, well-known Supreme Court decisions in Rufeisen v. Minister of the Interior (1962), 16 P.D. 428, and Shalit v. Minister of the Interior (1969), 23 (ii) P.D. 477.

28. Op. cit., p. 67.

29. Klein, op. cit., pp. 33-36. On affirmative action in the Convention, Natan Lerner, The U.N. Convention on the Elimination of All Forms of Racial Discrimination, Alphan aan den Rijn, Sijthoff & Noordhoff, 1980, pp. 32-33 and 39.

30. Op. cit., p. 99.

31. Cfr. Sammy Smooha, Israel, Pluralism and Conflict, Berkeley, University of California Press, 1978, p. 197.

32. On this notion, as accepted by Israeli courts, see Yeridor v. Central Electoral Committee (1965), 15 (iii) P.D. 365. It is beyond the scope of this paper to deal with the role of Jewish religious law in the legal system of Israel and, in general, the recognition given in Israeli law to the different legal systems applicable in matters of personal status and religious communities. See, on this matter, i.a., Izhak Englard, Religious Law in the Israel Legal System, Jerusalem, Hebrew University of Jerusalem, Faculty of Law, Harry Sacher Institute for Legislative Research and Comparative Law, 1975; Amnon Rubinstein, "Law and Religion in Israel," Israel Law Review, 1967, vol. 2, no. 3, pp. 380-414; S. Zalman Abramov, Perpetual Dilemma, Jewish Religion in the Jewish State Law, Rutherford, Fairleigh Dickinson University Press, 1976.

33. L.S.I., vol. 8, p. 35.

34. L.S.I., vol. 10, p. 24.

35. The rights of an immigrant are also granted to spouses and descendants who are not considered Jewish in the terms of the Laws of Return and Nationality.

36. See the Jewish Agency for Israel, Proposed Budget for the Year 1981/2, Jerusalem, a source of concrete information on the activities of the organization.

37. See conclusion of studies on the Arab minority in Israel conducted by Sammy Smooha (Maariv, Tel Aviv, April 6, 1982) and Shmuel Toledano (The Jerusalem Post, May 14, 1982).

38. Op. cit., at note 31, pp. 262-63. By the same author, "Existing and Alternative Policy Towards the Arabs in Israel," Ethnic and Racial Studies, London, vol. 5, no. 1, January 1982, pp. 71-98.

39. Ian Lustick, Arabs in the Jewish State--Israel's Control of a National Minority, Texas, University of Texas Press, 1980, pp. 8 and 64.

40. Ori Stendel, The Minorities in Israel, Jerusalem, Israel Economist, 1973, pp. 184-86.

41. For a militant anti-Zionist presentation of the Arab case, see Sabri Jiryis, The Arabs in Israel, translated by Inea Bushnaq, New York, Monthly Review Press, 1976. The first edition of the book appeared in Hebrew in 1966.

42. See for instance the contributions of Arab spokesmen to Echad mikol shisha israelim (One Out of Every Six Israelis), a symposium on relations between the Jewish majority and the Arab minority in Israel, ed. Alouph Hareven, the Van Leer Jerusalem Foundation, 1981, pp. 194-97 (in Hebrew). The emphasis by all of them is on nondiscrimination.

43. Lustick, op. cit., p. 261.

44. "Jews and Arabs in Israel," New Outlook, Tel Aviv, March 1982, p. 41.

45. Immanuel Koplewitz, Arab Education in Israel in 1981, A Brief Survey, May 1981. We are grateful to Mr. Koplewitz, head of the Department of Arab Education of the Ministry of Education and Culture, for his clarifications in a personal interview.

46. Haaretz, February 5, 1982. Also, Atallah Mansour, "The University Dream of the Arabs of Galilee," Haaretz, March 3, 1982.

47. Cfr. Peres, op. cit., p. 77 and fol.; Moshe Hartman and Hanna Eilon, "Ethnicity and Stratification in Israel," Megamot, Behavioural Sciences Quarterly, Jerusalem, vol. 21, no. 2, February 1975, pp. 124-39.

48. Bernstein and Antonovsky, op. cit. p. 20.

49. Ibid., pp. 22-23.

50. See David Hamu, "For an Oriental Collective," Haaretz, October 14, 1981; Shlomo Swirski, Orientals and Ashkenazis in Israel--The Ethnic Division of Labor, Haifa, Machberot Lemechkar Ulebikoret, 1981, particularly pp. 333 and fol. On the protest movements, Deborah Bernstein, "Conflict and Protest in Israeli Society--The Case of the Black Panthers of Israel," Megamot, vol. XXV, no. 1, September 1979, pp. 65-80.

51. Cfr. Megamot, vol. II, no. 3, April 1951, p. 261 and fol. and 277 and fol., and vol. III, no. 4, July 1952, p. 319 and fol., and Tom Segev, "The Cake That Was Not Baked," Haaretz magazine, March 19, 1982.

52. See Smooha, op. cit., p. 373, note 22.

53. Maariv, April 27, 1982, pp. 35-37.

54. Shmuel N. Eisenstadt, Shinui v'hemschechiut bachevrah haisraelit (Change and Continuity in Israel Society), Jerusalem, the Jerusalem Van Leer Foundation, 1974, p. 29. See, by the same author, Israeli Society, London, Weidenfeld and Nicolson, 1967. Also, Integration and Development in Israel, ed. by S. N. Eisenstadt, Rivkah Bar Yosef, Chaim Adler, Jerusalem, Israel Universities Press, 1970.

55. Moshe Lissak, Social Mobility in Israel Society, translated by Batya Stein, Jerusalem, Israel University Press, 1969, p. 111.

56. Op. cit., particularly pp. 193-94.

57. Op. cit., pp. 256-57 and 193-95.

58. Studies of Israeli Society, ed. Ernest Krausz, New Brunswick, Transaction Books, 1980.

59. Op. cit., Erik Cohen, "The Black Panthers and Israeli Society," p. 161, and Sammy Smooha and Yochanan Peres, "The Dynamics of Ethnic Inequalities: The Case of Israel," p. 180.

60. I am obliged to Dr. Shimon Shetreet for giving me access to the recorded, although not edited, proceedings of the symposium. For a short summary on the discussion, Amos Ben-Vered, "Positive Preference--and Equal Opportunity." Haaretz, July 25, 1980.

61. All references are from the above-mentioned unedited proceedings.

62. The gap seems to be increasing, as recently pointed out in the Knesset on the basis of the last findings of the Central Bureau of Statistics. See The Jerusalem Post, May 7, 1982.

63. For the series, Haaretz, September 11, 13, 14, 15, 17, 18, 20, 22, and 23. For reactions to Eldar's articles, i.a., Dr. Shimon Shetreet, "Dear Akiva," September 30; David Hamu, "For an Oriental Collective," and David Zucker, "On Equality of Opportunities and Positive Preference," October 14, all in Haaretz. All articles are, of course, in Hebrew. We give the titles in English translation.

64. Professor S. N. Eisenstadt, interviewed by Eldar (September 14, 1981), points out that immigration waves like the Bulgarian and Yemenites were of consolidated communities including their leadership and intellectuals, with self-helping institutions.

65. September 15, 1982.

66. September 17 and 23, 1982.

67. Loc. cit.

68. Ibid.

69. See, i.a., letters from Professor Haim Adler, of the Hebrew University, Dr. Shmuel Goldschmidt, of Tel Aviv University, and Mr. Yair Goren, all of them in Haaretz, March 9 and 11, 1982.

70. Although the committee has an Arab member, its terms of reference cover only the Jewish population and do not include the Jewish-Arab area.

71. See meeting on March 19, 1982. I am thankful to the chairman of the subcommittee, Mr. Mordechai Ben-Porat M.K., for opening to me the minutes of the subcommitteee. See also The Jerusalem Post, March 21, 1982.

72. Prime Minister's Office, Proposals of the Committee on the Status of Women, Jerusalem, 1978. For legislation in effect, 1951 Women's Equal Rights Law, 5. L.S.I., 171-72; 1981 Equal Opportunities in Employment Law, Hebrew text in Sefer Hahukim 1026, Jerusalem, p. 285.

73. Nitza Shapiro-Libai, "The Concept of Sex Equality--The UN Decade for Women," Israel Yearbook on Human Rights, Tel Aviv, 11, 1981, p. 132. The author points out that "separate or protective treatment which is based on gender rather than on function or merit" is unwarranted by those international instruments.

74. Arnold Lewis, "Educational Policy and Social Inequality in Israel," The Jerusalem Quarterly, 12, 1979, p. 107. On educational policies in Israel, also Chaim Adler, "The Israeli School as a Selective Institution," in Integration and Development in Israel" (see note 54), pp. 287-301.

75. Avraham Minkovich, "An Evaluation Study of Elementary Education in Israel," in Law and Equality in Education (note 15), p. 22.

76. Lewis, op. cit., p. 108. See also Shimon Reshef, "National Aims and Educational Policy," The Jerusalem Quarterly, 20, 1981, pp. 96-104.

77. Minkovich, op. cit., p. 8.

78. Cfr. Israel Government Year Book 5741 (1980/81), pp. 196-97.

79. See Perah, periodical bulletin, Jerusalem, 1982.

80. Cfr. Goldstein, op. cit., pp. 95 and 100.

81. 25(I)P.D.767 (1971).

82. Such, Shaul v. the City of Jerusalem 29 (II) P.D. 804 (1975); Nir v. Local Council of Beer Yaacov,32 (II) P.D.253 (1978); Ramat Raziel v. Regional Governmental School Harei Yehuda, 31 (III)P.D. 794 (1977); and Kozolovsky v. Regional Council of Eshkol, 30 (II) P.D. 449 (1976). In the last-mentioned case, Justice Baisky's reasoning follows the line adopted by Justice Etzioni in Kramer.

83. For the center, see The Centre's Yearbook, Jerusalem, 1979/80 (in Hebrew), Only through Education, Jerusalem, 1981, a brochure on the center, in English, and Information for Candidates to the Centre, Jerusalem, 1982 (in Hebrew).

84. See report by Menahem Birenboim, the Hebrew University of Jerusalem, School of Social Work Paul Baerwald, December 1981. Also, intervention of Professor Eliezer Jaffe in the Jerusalem Law School Symposium, note 60.

85. Interview with Professor Elazar Kochva, of the Faculty of Life Sciences, chairman of the Admission Committee of Tel Aviv University and of the Inter-University Committee on bagrut certificates.

86. It is claimed that the test was designed following criteria adequate to the Western components of the Israeli population.

87. This program benefits about 2,000 students of all the Israeli universities. For information on the unit, see Haifa University, The Unit to Bridge the Gaps. June 1981.

88. See Maurice M. Roumani, From Immigrant to Citizen, Foundation for the Study of Plural Societies, The Hague, 1979.

89. See Josef Goell, "Basic Training," The Jerusalem Post magazine, February 1982; also, Etgar, daf Lamefaked, a monthly publication of the center, initiated in May 1980.

90. Etgar, May 1980, p. 1.

91. Op. cit., p. 39. It should be noted that, in general, the army avoids establishing separate units for recruits with low socioeconomic backgrounds.

92. Ibid., pp. 60-63.

93. Ibid., p. 86.

94. Ibid., pp. 125-27.

95. For the involvement of different state agencies in the project, Israel Government Year Book 5741 (1980/81), pp. 138 and 197, i.a.

96. Eliezer D. Jaffe, "ZAHAVI: Anatomy of a Grass-Roots Organization," Midstream, New York, January 1982, p. 33.

97. Cf., i.a., Hayim Handwerker, "The Ethnic Horse," Haaretz magazine, February 2, 1982.

98. Haaretz, March 3, 1982.